

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

<b>TOMMIE HARDY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 4:19-cv-237</b>
	)	
	)	
<b>CITY OF KANSAS CITY,</b>	)	
<b>MISSOURI,</b>	)	
	)	
<b>Defendant.</b>	)	

**MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING  
TO PLAINTIFF’S FIRST AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 6(b) and 15(a), the Defendant, the City of Kansas City, Missouri (the City), respectfully requests its deadline for filing a responsive pleading in this case be extended up to and including October 16, 2019. In support of this motion, the City states:

1. Following the Court’s Order Granting Motion to Dismiss dated August 14, 2019 (Doc. 23), Plaintiff was given 30 days to file an amended complaint.
2. Plaintiff filed his First Amended Complaint on September 11, 2019.
3. Pursuant to Fed. R. Civ. P. 15(a), the City’s responsive pleading is due Wednesday, September 25, 2019. This is the City’s first requested extension to the responsive pleading deadline for Plaintiff’s First Amended Complaint in this case.
4. In the time following Plaintiff’s filing of his First Amended Complaint, counsel for the City has been responsible for drafting and filing a substitute reply brief in the Missouri Supreme Court. Counsel for the City is also preparing for a jury

trial that is scheduled to begin on Monday, September 30, 2019, in Missouri state court. This trial is expected to last at least five days.

5. Because of these other obligations, more time is needed for the City to formulate its response to Plaintiff's newly added claims of the City's alleged unconstitutional patterns, policies, practices, and/or customs which deprive African-American employees of their rights, privileges, and/or immunities.

6. This request for extension is made in good faith and not to delay the proceedings in this matter. The City still intends to meet the other deadlines imposed by this Court's Scheduling and Trial Order (Doc. 24).

7. Counsel for the City has contacted Plaintiff's counsel by email to determine if there is an objection to this requested extension; no response has been received.

WHEREFORE, the City respectfully requests this Court extend the deadline for filing its initial responsive pleading to Plaintiff's First Amended Complaint to **October 16, 2019**.

Dated: September 25, 2019

Respectfully submitted,

**OFFICE OF THE CITY ATTORNEY**

By: /s/ Timothy R. Ertz  
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**Attorneys for Defendant City of Kansas  
City, Missouri.**

**CERTIFICATE OF SERVICE**

I hereby certify that on September 25, 2019, I electronically filed the foregoing Motion for Extension of Time to File Responsive Pleading with the Clerk of the Court using the CM/ECF system which will automatically send e-mail notification to all CM/ECF participants of record in this case.

By: /s/ Timothy R. Ertz  
Assistant City Attorney  
Attorney for Defendant